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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,479	02/12/2002	Kenichi Fujita	34392	3958
116	7590	07/14/2006		EXAMINER
PEARNE & GORDON LLP				DUNN, MISHAWN N
1801 EAST 9TH STREET				
SUITE 1200			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114-3108			2621	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/049,479	FUJITA, KENICHI
	Examiner Mishawn N. Dunn	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 February 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,8-10,14, and 20-33 is/are rejected.
- 7) Claim(s) 5-7,11-13 and 15-19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program is merely a set of instructions capable of being executed by a computer, thus it is non-statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7/10/06

4. Claims 1-4, 8-10, ~~20-23, and 33~~<sup>and 20</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by Nishi et al. (US Pub. No. 2003/0031459).

5. Consider claim 1. Nishi et al. teaches a store and forward broadcast service system comprising an information transmitter for transmitting information and receiving/storage apparatus for receiving and storing information (pg. 2, para. 0029; fig. 1), wherein said receiving/storage apparatus manages storage regions exclusively

available to a specific storage channel and information transmitted as the storage channel is stored into the exclusive storage regions in said receiving/storage apparatus (pg. 2, para. 0032).

6. Consider claim 2. Nishi et al. teaches a store and forward broadcast service system according to claim 1, wherein the capacity of the exclusive storage regions is specified per storage-channel and that the exclusive storage regions matching the storage capacity specified for the storage channel is exclusively assigned to the storage channel in said receiving/storage apparatus (pg. 2, para. 0032).

7. Consider claim 3. Nishi et al. teaches a store and forward broadcast service system according to claim 2, wherein said receiving/storage apparatus mounts a plurality of exclusive storage regions of a fixed capacity in advance and defines the capacity of the storage regions to be specified per storage channel in units of said fixed capacity (pg. 2, paras. 0037-0038).

8. Consider claim 4. Nishi et al. teaches a store and forward broadcast service system according to claim 2, wherein said information transmitter transmits service configuration information describing at least storage capacity to be reserved in said receiving/storage apparatus, software necessary for use of storage channels, contract information concerning use of storage channels, encryption information for decoding information that is encrypted and transmitted, delivery schedule information for receiving information, entry information specifying the initial operation of selection of storage channels, or information for receiving such information (pg. 4, paras. 0061-0064).

9. Consider claim 8. Receiving/Storage apparatus wherein said apparatus has a storage channel management section for managing storage channels, a reservation processing section for making reservation processing to receive information on storage channels, a receiver for receiving information, and a storage management section for storing/managing the received information and managing the names used for referencing information and the names stored in the receiving/storage apparatus in association (pg. 2, paras. 0030-0032 and 0035-0036) .

10. Consider claim 9. Receiving/Storage apparatus according to claim 8, wherein said storage channel management section comprises a storage channel control application section for managing storage channel list information as well as using said storage channel list information to generate a storage channel list screen (pg. 2, paras. 0035-0036).

11. Consider claim 10. Nishi et al. teaches a receiving/storage apparatus according to claim 9, wherein information on individual storage channels is displayed on the storage channel list screen (pg. 2, para. 0035-0036).

12. Claim 20 is rejected for the same reason as discussed in the corresponding claim 4 above.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi et al. (US Pub. No. 2003/0031459) in view of Craig (US Pat. No. 5,790,176).

15. Consider claim 14. Nishi et al. teaches all the claimed limitations as stated above, except the receiving/Storage apparatus according to claim 8, wherein storage channels can be selected using the same user interface as that for an ordinary broadcast service.

However, Craig discloses the selection of storage channels selected using the same user interface as that for an ordinary broadcast service (col. 15, lines 29-33).

Therefore, it would have been obvious, at the time the invention was made to use, to provide a user interface to select channels, in order for the receiver to receive the user's request.

16. Claims 21-23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi et al. (US Pub. No. 2003/0031459) in view of Grimsrud et al. (US Pat. No. 6,862,657).

17. Consider claim 21. Nishi et al. teaches all the claimed limitations as stated above, except a receiving/storage program characterized in that said receiving/storage program makes a general-purpose computer to work as a storage channel manager.

However, Grimsrud et al. discloses a receiving/storage program characterized in that said receiving/storage program makes a general-purpose computer to work as a storage channel manager (col. 4, lines 43-52).

Therefore, it would have been obvious to one of ordinary skill in the art, to provide a computer-readable medium encoded with a computer program which instructs a general-purpose computer to work as a storage channel manager, in order to manage the reception of the storage channels more efficiently.

18. Claims 22, 23 and 33 are rejected for the same reasons as discussed in the corresponding claims above.

19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi et al. (US Pub. No. 2003/0031459) in view of Craig (US Pat. No. 5,790,176) in further view of Grimsrud et al. (US Pat. No. 6,862,657).

20. Consider claim 27. Nishi et al. and Craig teach all the claimed limitations as stated above, except a receiving/storage program characterized in that said receiving/storage program makes a general-purpose computer to work as a storage channel manager.

However, Grimsrud et al. discloses a receiving/storage program characterized in that said receiving/storage program makes a general-purpose computer to work as a storage channel manager (col. 4, lines 43-52).

21. Therefore, it would have been obvious to one of ordinary skill in the art, to provide a computer-readable medium encoded with a computer program which instructs a general-purpose computer to work as a storage channel manager, in order to manage the reception of the storage channels more efficiently.

***Allowable Subject Matter***

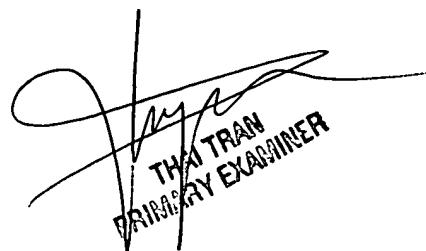
22. Claims 5-7, 11-13, and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



THAI TRAN  
PRIMARY EXAMINER